

DRAFT

314 CMR 2.00: PERMIT PROCEDURES

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2.01: Purpose and Authority

314 CMR 2.00 establishes the procedures for processing applications for the following all permits issued by the Department under M.G.L. c. 21, § 43. ~~These permits are:~~

- (1) surface water discharge permits subject to 314 CMR 3.00;
- (2) ground-water discharge permits subject to 314 CMR 5.00; ~~and~~
- (3) sewer extension and connection permits subject to 314 CMR 7.00-; and
- (4) reclaimed water permits subject to 314 CMR 20.00.

314 CMR 2.00 is established in accordance ~~not only~~ with the requirements of M.G.L. c. 21, § 43, ~~but with the requirements of~~ the Federal Clean Water Act, 33 U.S.C. 1251 *et seq.*, and the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended (RCRA), 42 U.S.C. 6901 *et seq.* Consistency with the permitting procedures established under these Federal acts is necessary to enable the Department to assume delegation of authority from the EPA to administer the NPDES and RCRA permit programs within the Commonwealth.

~~Whenever provisions of 310 CMR 7.00 or 30.000 are cited or cross-referenced in 314 CMR 2.00, the provisions cited shall be those published in the Massachusetts Register on or before November 9, 1984.~~

## 2.02: Definitions

When used in 314 CMR 2.00, the following words ~~shall~~ have the following meanings:

Adjudicatory Hearing - a hearing conducted as part of an adjudicatory proceeding as defined in M.G.L. c. 30A, § 1 and pursuant to ~~801 CMR 1.01, as amended by~~ 310 CMR 1.00, Adjudicatory Proceedings.

Department - the Department of Environmental Protection.

Determination – the issuance, denial, renewal, modification, other than a minor modification, revision, amendment, suspension and revocation of a permit listed in 314 CMR 2.01 and of general surface water or general groundwater discharge permit coverage.

EPA - the United States Environmental Protection Agency.

Federal Act - the Federal Clean Water Act, as amended, 33 U.S.C. 1251 *et seq.*

Massachusetts Government Holiday – any day, other than a Saturday or Sunday, during which the headquarters office of the Department is closed for business.

NPDES - the National Pollutant Discharge Elimination System permit program established pursuant to 33 U.S.C. 1342.

Person - any agency or political subdivision of the Commonwealth, the Federal government, any public or private corporation or authority, individual, partnership or association, or other entity, including any officer of a public or private agency or organization, upon whom a duty may be imposed by or pursuant to any provisions of M.G.L. c. 21, §§ 26 through 53.

~~Public Entity – any city, town, special district, the metropolitan district commission or other existing governmental unit eligible to receive a grant for the construction of treatment works from the United States Environmental Protection Agency pursuant to Title II of the Federal Act, as amended.~~

Prevention of Significant Deterioration or PSD - the national permitting program under 40 CFR 52.21 to prevent emissions of certain pollutants regulated under the Clean Air Act from significantly deteriorating air quality in attainment areas.

RCRA - the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended by P.L. 95-609, 42 U.S.C. ~~Section~~ 6901 *et seq.*)

RCRA Facility - a hazardous waste management facility as defined in 314 CMR 8.03.

State Act - the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53.

~~UIC or Underground Injection Control~~ the established program under Section 1421 of the Safe Drinking Water Act (P.L. 93-523 as amended by P.L. 95-190 and 96-502).

404 - Section 404 of the Federal Clean Water Act, (P.L. 95-217 as amended, 33 U.S.C., ~~Section~~ 1344.

### 2.03: Application for a Permit or General Permit Coverage

(1) Who must apply. Any person required to obtain an individual permit or general permit coverage under M.G.L. c. 21, § 43 and the regulations promulgated thereunder shall apply to the Department for such permit or general permit coverage by completing and submitting the appropriate application form and required information.

(2) Completeness of Application. The Department shall not issue an individual permit or general permit coverage before receiving a complete application. Upon receipt of the application, the Department will review ~~it the form~~ to determine the completeness of the information contained therein. If the Department deems the application incomplete or incorrect, it will not be processed by the Department until the inadequacies identified by the Department have been corrected by the applicant. Where the applicant fails to correct the inadequacies identified by the Department within applicable time frames, or requests that the application be processed as submitted, the Department may proceed to process the application. Insufficiency of the information in the application may result in, and form the basis for, a denial of the permit or general permit coverage. The Department may require the applicant to provide additional information and to attend informal conferences relative to any ~~permit~~ application. ~~Permit Applications~~ will be processed in accordance with 310 CMR 4.00 and, as applicable, where appropriate, 314 CMR 3.00, 5.00, 7.00 and ~~or~~ 20.00. 9.00.

### 2.04: Tentative Determination and Preparation of Draft Permits

(1) Within a reasonable time following receipt of a complete application for an individual permit, the Department shall tentatively determine to issue or deny the permit. A tentative determination is not required prior to issuance, renewal or denial of general permit coverage.

(2) If the Department tentatively determines to issue an individual or general ~~the~~ permit, then the Department shall prepare a draft permit ~~shall be prepared~~. The draft permit shall contain such terms and conditions ~~which~~ the Department deems necessary to ~~e~~nsure that the permitted activity or activities or facility or facilities ~~complies~~ with all applicable requirements of the State ~~and~~ Federal Acts, and regulations adopted thereunder.

### 2.05: Preparation of Fact Sheet or Statement of Basis for Permits

(1) For every draft: individual or general permit for a surface water discharge(s); ~~or individual or general permit for~~ ground-water discharge(s); ~~or permit~~ for a RCRA facility; or permit with provisions on reclaimed water, the Department shall prepare a fact sheet or statement of basis for the permit in accordance with 314 CMR 2.05. A fact sheet or statement of basis is not required for issuance of general permit coverage.

(2) A fact sheet shall be prepared for every draft: general groundwater discharge permit; general surface water discharge permit; permit for a major groundwater discharge; facility or activity; Type II NPDES ~~for every draft permit or NPDES permit~~ -that incorporates a variance; permit with provisions on

reclaimed water; groundwater discharge permit with “Special Effluent Limitations” pursuant to 314 CMR 5.10(9); and for every draft permit which the Department finds is the subject of widespread public interest or raises major issues.

(3) The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. For an individual permit, the Department shall send a copy of the fact sheet and draft permit to the applicant and, on request, a copy of the fact sheet, permit application and draft permit to any other person. For a general permit, on request, the Department shall send a copy of the fact sheet and draft permit to any person. For general groundwater discharge permit coverage, the Department shall send a copy of the general permit to the applicant and, on request, a copy of the application to any other person. The Department may charge a fee in connection with responding to such requests.

The fact sheet shall include where applicable:

- (a) A brief description of the type of facility or activity ~~that which~~ is the subject of the draft permit;
- (b) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged;
- (c) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions;
- (d) Reasons why any requested variances or alternatives to required standards or “Special Effluent Limitations” proposed pursuant to 314 CMR 5.10(9) do or do not appear justified;
- (e) A description of the procedures for reaching a ~~final decision~~determination on the draft permit including:
  1. The beginning and ending dates of the comment period under 314 CMR 2.06 and the address where comments will be received;
  2. Procedures for requesting a public hearing and the nature of that hearing under 314 CMR 2.07; and
  3. Any other procedure by which the public may participate in the ~~determination~~final decision;
- (f) Name and telephone number of a person to contact for additional information;
- (g) Any calculations or other necessary explanation of the derivation of specific effluent limitations and conditions, including a citation to any applicable effluent limitation guideline or performance standard provisions and reasons why they are applicable or an explanation of how the alternate effluent limitations, conditions, or standards were developed;
- (h) When the draft permit contains any of the following conditions, an explanation of the reasons why such conditions are applicable:
  1. Limitations to control toxic pollutants;
  2. Limitations on internal waste streams; or
  3. Limitations on indicator pollutants; ~~and~~
- (i) When appropriate, a sketch or detailed description of the location of the discharge described in the application; and
- (j) In addition to the above, for a draft permit that contains: i) provisions on reclaimed water, the address of each location at which reclaimed water would be allowed to be discharged or used along with a brief description of the purpose(s) for which reclaimed water could be discharged or used at each such location; or ii) “Special Effluent Limitations” pursuant to 314 CMR 5.10(9), the address of each property at which the groundwater would not be required to meet the more stringent of water quality based or technology based effluent limitations as a result of the discharge and a map of the aggregate area encompassing such properties.

(4) Where a request for a determination under 33 U.S.C. 1251 § 316(a) has been filed relative to a surface water discharge permit, the fact sheet also shall ~~also~~ contain:

- (a) A statement that the thermal component of the discharge is subject to effluent limitations under 33 U.S.C. 1251 §§ 301 or 306 and a brief description, including a quantitative statement, of the thermal effluent limitations proposed under 33 U.S.C. 1251 § 301 or 306;
- (b) A statement that a 33 U.S.C. 1251 § 316(a) request has been filed and that alternative less stringent effluent limitations may be imposed on the thermal component of the discharge under 33 U.S.C. 1251 § 316(a) and a brief description, including a quantitative statement, of the alternative effluent limitations, if any, in the request; and
- (c) If the applicant has filed an early screening request for a 33 U.S.C. 1251 § 316(a) variance, a statement that the applicant has submitted such a plan.

(5) The Department shall prepare a statement of basis for every draft permit for which a fact sheet is not prepared. The statement of basis shall briefly describe the derivation of the conditions of the draft permit and the reasons for them, including references to applicable statutory or regulatory provisions. ~~or in the case of~~ For a tentative determination to deny, suspend or revoke an individual permit or to suspend or revoke a general permit, the Department shall prepare a statement of the reasons supporting the tentative determination, including references to applicable statutory or regulatory provisions. For a determination to suspend, revoke or deny general permit coverage, the Department shall prepare a statement of the reasons supporting the determination, including references to applicable statutory or regulatory provisions. The statement of basis or statement of reasons shall be sent to the applicant or permittee(s), as applicable, and, on request, to any other person. The Department may charge a fee in connection with responding to such requests.

## 2.06: Public Notice and Comment

(1) At minimum, ~~t~~The Department shall require public notice of the following permit proceedings to be published at the applicant's or permittee's expense in accordance with the requirements of 314 CMR 2.06:

- (a) The preparation of a draft individual permit and tentative determination to issue the permit;
- (b) The intention to grant general permit coverage;
- ~~(b)~~ (c) The renewal of an individual permit or general permit coverage under 314 CMR 2.10;
- ~~(c)~~ (d) The modification of a permit under 314 CMR 2.10, when the modification is at the request of the permittee and when public notice is required under 314 CMR 2.10; and
- ~~(d)~~ (e) A public hearing under 314 CMR 2.07 on the Department's tentative determination to issue a permit under 314 CMR 2.04, and on the renewal of a permit under 314 CMR 2.10, if such public hearing is requested by an applicant or permittee, and on the modification of a permit under 314 CMR 2.10 when the modification is at the request of the permittee.

For all other ~~permit~~ proceedings requiring public notice under 314 CMR 2.06, including, but not limited to: a tentative determination to issue, modify, suspend, revoke, revise, amend or renew a general permit; a tentative determination to deny an individual permit under 314 CMR 2.04; ~~or~~ a determination to suspend or revoke an existing individual permit or general permit coverage under 314 CMR 2.04 and 314 CMR 2.10; or to modify general permit coverage, or an individual permit when the modification is not at the request of the permittee and when public notice is required under 314 CMR 2.10; the Department shall give public notice of such permit proceedings in accordance with 314 CMR 2.06. Public notices may describe more than one permit or permit proceedings. Public notice is not required for a determination to deny general permit coverage. The Department may require or provide public notice of additional aspects of permit proceedings as it deems appropriate

(2) Public notice ~~of the preparation of a draft permit and of a tentative determination~~ shall afford at least 30 days for public comment, ~~except -i~~ In the case of RCRA facilities, the public notice shall afford at least 45 days for public comment.

(3) Copies of the public notice shall be published and mailed as follows:

(a) ~~For individual permits and general permit coverage, n~~ Notice shall be published in at least one newspaper of general circulation in the area of the facility or discharge. ~~For a permit that contains provisions on reclaimed water, notice also shall be published in the *Environmental Monitor* and at least one newspaper of general circulation in each city and town in which reclaimed water would be allowed to be used or discharged. For a permit that contains "Special Effluent Limitations" pursuant to 314 CMR 5.10(9), notice also shall be published in the *Environmental Monitor* and at least one newspaper of general circulation in each city and town in which the groundwater would not be required to meet the more stringent of water quality or technology based effluent limitations as a result of the discharge. and For a general permit, notice shall be published in at least one newspaper of general circulation in the Commonwealth and in the *Environmental Monitor*. Additionally, for individual and general permits and general permit coverage, the Department shall file or shall require the applicant or permittee to file a copy of the notice shall be filed with the State Secretary as provided in M.G.L. c. 30A, § 3 for publication in the Central Register. For those permit proceedings requiring publication of public notice by the applicant or permittee under 314 CMR 2.06(1)(a) through (ed), as the Department requires, the applicant or permittee shall submit certification of or a copy of the public notice as published in each the newspaper to the Department within seven days of the date of publication, or at such other time as the Department specifies, along with the name and address of each the newspaper and the date the notice appeared in each the newspaper.~~

(b) When published by the Department, ~~for individual permits and general permit coverage, the Department shall mail a copy of the notice shall be mailed~~ to the applicant. Notice also shall be mailed to any person filing written request for notice of specific permit proceedings, such request to be renewed annually. ~~The Department may charge a fee in connection with responding to such requests.~~

For individual surface water discharge permits and for permits for RCRA facilities only, public notice, together with a copy of any fact sheet or statement of basis, the draft permit, if any, and the application also shall ~~also~~ be mailed to:

1. Any other agency ~~that which~~ the Department knows has issued or is required to issue a RCRA, ~~UIC~~, PSD, NPDES or 404 permit under the Federal Act for the same facility or activity, including EPA;
  2. Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the Advisory Council on Historic Preservation, the Massachusetts Historical Commission and other appropriate government authorities, including any affected States; and
  3. Any State agency responsible for plan development under 33 U.S.C. 1251 §§ 208(b)(2), 208(b)(4) or 303(e) and the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.
- ~~For permits for RCRA facilities, in addition to local newspaper publication, the notice shall be broadcast over local radio stations.~~

(4) Contents of Notice. All public notices shall contain the following minimum information and



such other information as the Department deems appropriate:

- (a) the name and address of the office processing the general permit, application for individual permit, application or general permit coverage;
- (b) the name and address of the permittee or ~~permit~~ applicant, if applicable, and, if different, of the facility ~~and or~~ discharge regulated by the permit. For a permit with provisions on reclaimed water, the notice also shall contain the address of each location where reclaimed water would be allowed to be used or discharged along with a brief description of the purpose(s) for which reclaimed water could be used or discharged at each such location; for a permit that contains "Special Effluent Limitations" pursuant to 314 CMR 5.10(9), the notice also shall contain a description of the area in which the groundwater would not be required to meet the more stringent of water quality or technology based effluent limitations as a result of the discharge and the address of each property within the described area.
- (c) the name, address and telephone number of the person from whom the draft permit, statement of basis or fact sheet, and the application, if applicable, may be obtained;
- (d) the time within which the public may comment or request a public hearing; and, if applicable, the tentative determination to issue or deny the permit, and the statutory and regulatory authority under which the determination is made.

In addition, public notice of individual surface water discharge permit proceedings shall contain a general description of the location of each existing or proposed discharge point and the name of the receiving water.

Where a request for a determination under Section 316(a) of the Federal Act has been filed relative to a surface water discharge permit, the public notice shall contain a statement to that effect.

## 2.07: Public Hearings

If the applicant or permittee, other than an applicant for or permittee with general groundwater discharge permit coverage, requests a public hearing, or if the Department determines a public hearing to be in the public interest, the Department shall schedule and conduct such hearing in a community within the area(s) affected by the facility or discharge which is the subject of the permit. Such hearing on a permit with provisions on reclaimed water also shall be conducted in each city and town in which reclaimed water would be allowed to be used or discharged under the permit. Such hearing on a permit that contains "Special Effluent Limitations" pursuant to 314 CMR 5.10(9), also shall be conducted in each city and town in which the groundwater would not be required to meet the more stringent of the technology or water quality based effluent limitations as a result of the discharge. Public notice of the public hearing(s) shall be published in accordance with 314 CMR 2.06 at least 30 days prior to the hearing(s). Such public notice shall contain, in addition to the contents specified in 314 CMR 2.06(4), reference to the date of previous public notices relating to the permit; the date, time and place of the hearing(s); and a brief description of the nature and purpose of the hearing(s), including ~~any~~ applicable rules and procedures.

For RCRA facilities, the Department shall schedule and conduct a public hearing whenever the Department receives written notice of opposition to a draft permit and a request for a hearing within the public comment period provided in 314 CMR 2.06(2).

An applicant for or permittee with general groundwater discharge permit coverage who seeks a public hearing instead shall file an application for an individual permit, on which the applicant then may request a public hearing.

Where a public hearing is held under 314 CMR 2.07, the public comment period under 314 CMR 2.06 shall be extended to the conclusion of the public hearing or such later date as may be

established by the Department at the public hearing or in the public notice of the public hearing.

2.08: Issuance and Effective Date of Permit, General Permit Coverage, or Other Determination and Requests for Adjudicatory Hearings

(1) After the conclusion of the public comment period provided in 314 CMR 2.06 or 2.07, the Department shall issue the permit or general permit coverage, or ~~final~~ determination to deny the permit or general permit coverage. If no comments objecting to the issuance or terms of the permit or permit coverage were received by the Department during the public comment period, the permit or permit coverage ~~final determination~~ shall be effective upon issuance. If comments objecting to the issuance or the terms of the permit or general permit coverage were received by the Department during the public comment period, the permit or general permit coverage shall become effective 30 days after issuance.

(2) During the 30 day period following issuance of the permit, general permit coverage, or determination to deny, any person aggrieved by the issuance or the of the permit or final determination, except an applicant for or permittee with general groundwater discharge permit coverage, may file a request for an adjudicatory hearing relative thereto with the Department. The standing of a person to request a hearing, and the procedures for filing such request are shall be governed by ~~the provisions of~~ M.G.L. c. 30A and 310 CMR 1.00. ~~314 CMR 1.00~~. Except in the case of a surface water discharge permit jointly issued with EPA, ~~Unless~~ the person requesting the adjudicatory hearing requests and is granted a stay of the terms and conditions of the permit, the permit shall remain effective or become effective at the conclusion of the 30 day period.

(3) In the case of an individual surface water discharge permit jointly issued with EPA:

- (a) an uncontested permit authorizing a new discharge shall remain effective or become effective at the conclusion of the 30 day period following issuance of the permit;
- (b) for a permit authorizing a new discharge, which is contested in a request for an adjudicatory hearing, the effect of the permit shall be stayed pending the Commissioner's final decision on the permit. The Department shall notify the permit applicant and any other petitioner that a stay is in effect; and
- (c) for any other contested permit, the effect of the contested terms and conditions shall be stayed pending the Commissioner's final decision on the permit. The effect of uncontested terms and conditions that cannot be severed from the contested terms and conditions also shall be stayed. The Department shall notify the permittee and any other petitioner of the uncontested and severable terms and conditions of the permit, which will become fully effective enforceable obligations of the permit 30 days after the date of the notification, as well as of the stayed terms and conditions of the permit.

(4) By submitting an application for general groundwater discharge permit coverage, the applicant or permittee waives any right to request an adjudicatory hearing relative to the Department's issuance or denial of general permit coverage. Such applicants and permittees, instead, may apply for an individual groundwater discharge permit, in which case, they would not waive any right to request an adjudicatory hearing relative to the Department's issuance of the individual permit or permit determination.



(5) Any person, other than the permit applicant or permittee, who files a request for an adjudicatory hearing with the Department pursuant to 314 CMR 2.08(2) also shall simultaneously send a copy of the request by certified mail, return receipt requested, to the permit applicant or permittee.

(6) In accordance with M.G.L. c. 21, § 45, any Department proposal to suspend or revoke an individual permit or general permit coverage, in whole or in part, including any proposed reduction in an authorized discharge, shall inform the person to whom it is issued of their right to request a hearing within 30 days after issuance of the Department's proposal under the provisions of M.G.L. c. 30A.

## 2.09: Response to Comments

At the time of issuance of the ~~final~~ permit or general permit coverage under 314 CMR 2.08, the Department shall issue a response to comments, which shall be available to the public. ~~Theis~~ response to comments shall:

- (1) For individual and general permits, ~~Specify~~ specify which provisions, if any, of the draft ~~permit~~ have been changed in the final ~~permit~~, and the reasons for the change; and
- (2) Briefly describe and respond to all significant comments on the draft individual or general permit-permit, or application for general permit coverage raised during the public ~~notice~~ comment period under 314 CMR 2.06, or during any public hearing held under 314 CMR 2.07.

## 2.10: Modification, Suspension, Revocation, and Renewal of Permits and General Permit Coverage

Consistent with ~~As provided in~~ M.G.L. c. 21, § 43(10), the Department may propose and determine to modify, suspend or revoke any outstanding permit, or general permit coverage, in whole or in part, for cause including, but not limited to, violation of any permit, or general permit coverage term, obtaining a permit or general permit coverage by misrepresentation or failure to disclose fully all relevant facts or any change in or discovery of conditions that calls for reduction or discontinuance of the authorized discharge or activity. The Department may also modify a permit, or general surface water discharge permit coverage at the request of the permittee upon a showing, satisfactory to the Department, that the requested modification is appropriate in view of circumstances for which the permittee is not at fault. A person with general groundwater discharge permit coverage may not request a modification of such coverage, except a minor modification if such request is allowable pursuant to 314 CMR 5.00, but, instead, may apply for an individual groundwater discharge permit.

Any interested person may request the Department to modify, suspend or revoke any outstanding permit for a RCRA facility. If the Department decides to deny such a request, the Department shall prepare a brief written response giving a reason for the Department's ~~determination~~ decision. Denial of such a request shall not be subject to public notice, public comment, or public hearings pursuant to 314 CMR 2.04 through 2.09, or to an adjudicatory hearing pursuant to ~~314 CMR 1.00~~ 310 CMR 1.00.

A modification, other than a minor modification, or renewal of a permit or general permit coverage shall be processed under 314 CMR 2.00 in the same manner as an individual permit or application, issuance of a general permit, or an application for general permit coverage is processed; provided, however, that no such modification of general groundwater discharge permit coverage may be requested by the permittee, and a ~~S~~suspension or revocation of an individual

permit shall be processed in the same manner as a denial of a permit application; suspension or revocation of general permit coverage or of a general permit shall be processed as specified in 314 CMR 2.05 and 314 CMR 2.06. ~~provided, Minor permit modifications authorized under 314 CMR 3.00+2(3), 314 CMR 5.00+2(3), -and 314 CMR 7.00+2(3) and 314 CMR 20.00~~ may be processed without compliance with the public notice and hearing procedures of 314 CMR 2.06 and 2.07.

In a permit modification under 314 CMR 2.10, only those conditions to be modified shall be reopened and may be subject to a request for an adjudicatory hearing pursuant to 314 CMR 2.08 when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit.

## 2.11: Confidentiality of Information

(1) In accordance with M.G.L. c. 21, § 27(7) and 310 CMR 3.00, Access To and Confidentiality of Department Records and Files, any information submitted to the Department pursuant to these State Act and regulations promulgated thereunder, may be claimed as confidential by the submitter, except the information described in 314 CMR 2.11(2). Any such claim must be asserted at the time of submission in the manner prescribed in 310 CMR 3.00 on the application form or instructions, or in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the requirements of 310 CMR 3.00.

(2) Claims of confidentiality shall be denied for the following information:

(a) the name and address of any permit or general permit coverage applicant or permittee or person with general permit coverage; and

(b) any permit or effluent data and data related thereto, including all information contained in permit applications ~~forms~~. This includes any attachments to the application form, but only to the extent the information was required to be part of a complete application; required by the application form.

Additional material requested by the Department during permit processing may be claimed confidential if it was not required to be part of a complete by the application form, in which case the claim will be resolved following the procedures contained in 310 CMR 3.00.

(3) To the extent provided in M.G.L. c. 21, § 27(7) and 310 CMR 3.21, the Department also may disclose certain information that would be entitled to protection as a trade secret.

## 2.12: Permit Applications, Fees and Inspection Information

In accordance with ~~the provisions of M.G.L. c. 7, § 3B, and~~ M.G.L. c. 21, § 43, and M.G.L. c. 21A, §18, the Department is authorized to impose and collect permit and compliance assurance fees from permit applicants and permittees, including applicants for or with general permit coverage, as follows:

(1) Applications and Fees. Any person ~~other than a public entity~~ required to obtain a permit or seeking general permit coverage pursuant to M.G.L. c. 21, § 43 and 314 CMR 3.00, 4.00, 5.00, -and 7.00, and 20.00, shall submit together with the ~~permit~~ application, any fees established by the Department. Such application fee shall be payable to the Commonwealth of Massachusetts as provided in M.G.L. c. 21A, §18 and the regulations promulgated thereunder ~~the time of application~~ and is shall be a condition prerequisite to obtaining a permit or -general permit coverage or a the

renewal ~~of same, of such a permit~~. Failure to pay such fee shall be cause for the Department to deny the ~~application~~ permit or permit coverage. ~~Applicants shall be advised of the amount of any applicable fee as part of the permit application or application instructions.~~

(2) Annual Inspection Information Certificate Fee.

(a) Any permittee, ~~other than a public entity~~, required to obtain a surface water or ground water discharge or reclaimed water permit pursuant to M.G.L. c. 21, § 43 and 314 CMR 3.00 ~~and 5.00, or 314 CMR 20.00, including, but not limited to, general permit coverage, may shall~~ be required annually to ~~submit obtain an inspection information certificate from the Department~~ as a condition of the permit or permit coverage. Such persons ~~mittees~~ shall submit to the Department ~~in connection with such certificate~~, on a form to be available from supplied by the Department, such information as the Department may specify, which may includeing, but is not limited to:

1. the nature and amount of pollutants discharged from the treatment works;
2. information which may be needed to determine the nature and amount of pollutants discharged from the treatment works; and
3. any other information pertaining to the operation of the treatment works and the discharge therefrom.

(b) The information required in 314 CMR 2.12(2)(a) shall be submitted to the Department annually as required by the applicable permit or general permit coverage, within 30 days of notice from the Department requiring its submission, together with the fee prescribed in 314 CMR 2.12(2)(c). ~~After verification by the Department of information submitted by the permittee, and after submission of the fee, the Department shall issue an inspection certificate to the permittee.~~

Submission Issuance of such inspection information certificate annually ~~may shall~~ be a condition of the permit or general permit coverage, and failure to ~~submit obtain such certificate such information as required~~ shall be cause for revocation of the permit or general permit coverage. Copies of such ~~certificate and the~~ information submitted ~~by the permittee to obtain such certificate~~ shall be available to the public in accordance with 314 CMR 2.11 and 310 CMR 3.00.

~~(c) Any permittee required to obtain an inspection certificate pursuant to 314 CMR 2.12(2) shall submit together with the information required in 314 CMR 2.12(2)(a) payment of a fee to the Commonwealth of Massachusetts as established by the Department. The permittee shall be advised of the amount of such fee by the Department as part of the notice from the Department under 314 CMR 2.12(2)(b). Failure to pay such fee shall be basis for denial of the inspection certificate.~~

## 2.13: Computation of Time

Computation of any time period referred to in 314 CMR 2.00 shall begin with the first day following the act that triggers the commencement of the time period. If the last day of the time period falls on a Saturday, Sunday, or Massachusetts government holiday, then the time period shall run until the end of the next Massachusetts government business day. When the time period is seven days or fewer, intervening Saturdays, Sundays, or Massachusetts government holidays shall be excluded from the time period.

314 CMR 2.00: M.G.L. c. 21, §§ 27(12) and 43.

NON-TEXT PAGE